

IN RE: PETITION FOR ZONING VARIANCE
NS Gunpowder Road, 250' E
of Patapsco Road
(Lot No. 169, bet. 7325 & 7330)
15th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 90-162-A

Alfred T. Martins, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet, in accordance with the Petitioner's Exhibit 1.

The Petitioners, Mr. and Mrs. Alfred T. Martins, Jr. appeared and testified. There were no Protestants.

Testimony indicated that the subject property located in the general vicinity of Oliver Beach, known as 7332 Gunpowder Road, Baltimore, Maryland, 21220, is zoned D.R.5.5.

The Petitioners bought the subject vacant lot at the same time they bought the existing dwelling house on lot No. 168, as shown on Petitioner's Exhibit 1. The vacant lot known as lot No. 169 which is the subject of this request appears to have been jointly owned with the property known as lot No. 168, since the original home on lot No. 168 was built some fifty (50) years ago. The vacant lot is a typical substandard lot found in Baltimore County for a D.R.5.5 area. The subject lot is 50 feet wide and is, therefore, 5 feet short of the required 55 foot lot width mandated by Section 1802 area and bulk regulations for the D.R. zone.

The Petitioners have never owned any additional land in this subdivision and the evidence, clearly, establishes that there has never been any

vacant land on any of the sides of lot No. 169, since the original house was built on lot No. 168, and the neighbors home on lot No. 170 was built approximately at the same time.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the

Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21 day of June, 1989 that the Petition for a variance to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet, in accordance with Petitioner's Exhibit 1, be

and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated September 14, 1989, attached hereto and made a part hereof.

Robert Haines
ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 25
Martins Property
Chesapeake Bay Critical Area Findings

DATE: September 14, 1989

RECEIVED
SEP 18 1989
ZONING OFFICE

SITE LOCATION
The subject property is located at 7330 Gunpowder Road. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LEA).

APPLICANT'S NAME Mr. and Mrs. Alfred T. Martin Jr.

APPLICANT PROPOSAL
The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands; and
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
September 14, 1989
Page 3

(3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicant's responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu." <Baltimore County Code, Section 22-217 (c)>.

Findings: If the three trees presently on the lot are removed during construction, then they shall be replaced. In addition, the following plant materials shall be planted and maintained on the lot so that this site shall maintain a forest cover of at least 15%:

Shrub and small trees list: 3 items - ball and burlap or 2 gallon container size

Tree list: 1 item - minimum 4 foot size

S. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
 - (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
 - (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.
- Findings:** Rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater.

PLANT ASSOCIATION: UPLAND MOIST

NAME	RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES	
<i>Asimina triloba</i>	(Paw Paw) Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Abundant
<i>Amelanchier laevis</i>	(Serviceberry) Abundant
<i>Amelanchier obovata</i>	(Obovate Serviceberry) Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush) Abundant
<i>Cornus amomum</i>	(Silky Dogwood) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq. Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Abund.-Freq.
<i>Itaea virginica</i>	(Tassel-White) Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
<i>Leucothoe racemosa</i>	(Fetter-Bush) Abundant
<i>Lindera benzoin</i>	(Common Spicebush) Frequent
<i>Lyonia ligustrina</i>	(Male-Berry) Frequent
<i>Myrica pensylvanica</i>	(Bayberry) Frequent
<i>Prunus serotina</i>	(Black Cherry) Abundant
<i>Prunus virginiana</i>	(Choke Cherry) Local
<i>Rhododendron nudiflorum</i>	(Pinkster Flower) Infrequent

PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME	RELATIVE ABUNDANCE
<i>Magnolia virginiana</i>	(Sweet Bay Magnolia) Frequent
<i>Nyssa sylvatica</i>	(Black Gum) Abundant
<i>Populus grandidentata</i>	(Swamp Poplar) Infrequent
<i>Populus deltoides</i>	(Cottonwood) Infrequent
<i>Quercus alba</i>	(White Oak) Abundant
<i>Quercus phellos</i>	(Willow Oak) Frequent
<i>Quercus prinus</i>	(Chestnut Oak) Abundant
<i>Quercus rubra</i>	(Red Oak) Abundant
<i>Sassafras albidum</i>	(Sassafras) Abundant

Source: Baltimore County Office of Planning and Zoning, May 1987

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 20, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Albert T. Martins, Jr.
7330 Gunpowder Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 90-162-A

Dear Mr. and Mrs. Martins:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 26, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-162-A
NS Gunpowder Road, 250' E of Patapsco Road
(Lots Nos. 169, between Nos. 7326 and 7330)
15th Election District - 5th Councilmanic
Petitioner(s): Alfred T. Martins, Jr., et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

Variance: To allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Mr. & Mrs. Martins
Mrs. Irene Hansen
File

PETITION FOR ZONING VARIANCE CRITICAL AREA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-162-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.3.1

To allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser:
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Alfred T. Martins, Jr.
(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Alfred & Marjorie Martins, Jr.

7330 Gunpowder Road 335-8406

Baltimore, Maryland 21220

City and State

Name

7330 Gunpowder Road 335-8406

Baltimore, Maryland 21220

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day

of 1989, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 9th day of 1989 at 2:00 o'clock

P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2 HR.

AVAILABLE FOR HEARING

MON. TUES. WED. - NEXT TWO MONTHS

ALL OTHER DATE 7-27-89

REVIEWED BY: DATE 7-27-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 23, 1989



Dennis F. Rasmussen
County Executive

Mrs. Irene A. Hansen
1203 Turnbridge Road
Forest Hill, Maryland 21050

Re: Alfred T. Martins, Jr.
Item #25

Dear Mrs. Hansen:

A forty percent increase of petitions filed, along with a number of hearings lasting four to five days, result in an inability to schedule any early hearing dates.

As your reasons for the requested early hearing have merit, it is with regret that we inform you of this fact.

Thank you for your understanding.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

GGS:m

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 10/17/89



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Alfred T. Martins, Jr.
7330 Gunpowder Road
Baltimore, Maryland 21220

Re: Petition for Zoning Variance

CASE NUMBER: 90-162-A
NS Gunpowder Road, 250' E of Patapsco Road
(Lots Nos. 169, between Nos. 7326 and 7330)
15th Election District - 5th Councilmanic
Petitioner(s): Alfred T. Martins, Jr., et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Martins:

Please be advised that \$122.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign and post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign and post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

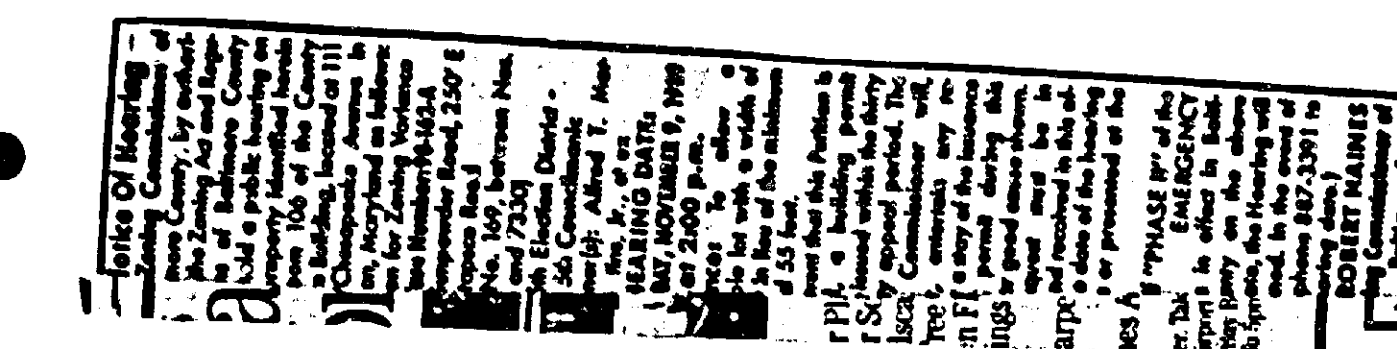
Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Irene A. Hansen
File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

NOTE:
Make checks payable to Baltimore County



CERTIFICATE OF PUBLICATION THE AVENUE NEWS

Office of
442 Eastern Blvd.
Baltimore, MD 21221

THIS IS TO CERTIFY, that the annexed advertisement of Alfred T. Martins, Jr. in the matter of NS Gunpowder Rd., 250' E of Patapsco Rd., 90-162-A, Reg #24240, P.O. #12778 was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive week(s) before the 13 day of Oct. 1989. It is to say, the same was inserted in the issues of Oct. 12, 1989.

The Avenue Inc.
per publisher
Dennis F. Rasmussen

CERTIFICATE OF PUBLICATION

TOWSON, MD, Oct. 13, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 12, 1989.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

PO 17277
reg # 34341
price \$45.31
ca 90-162-A

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 2-001-6150
Number

receipt
No 254

Date

90-162

PUBLIC HEARING FEES
CDD HEARING SIGN - ADVERTISING 1 1122.29
LAST NAME OF OWNER: MARTINS, JR. 101741 1122.29

113*****12229** 2096F

Counter Validation: Make checks payable to Baltimore County

MRS. IRENE A. HANSEN
1203 Turnbridge Rd.
Home 301/879-0063
Forest Hill, MD. 21050
Office 301/836-9802

August 16, 1989

Ms Betty Schumann
Baltimore County Zoning Dept.
Room 109
111 W. Chesapeake Ave.
Baltimore, MD. 21204

Dear Ms Schumann:

I am writing this letter per my conversation with Delegate Terry Connelly on August 16, 1989. Please consider approving as soon as possible variance # R-01-615-000, item # 25 in the name of Alfred T. Martins Jr. Lot # 169 located at 7330 Gunpowder Rd. Oliver Beach, MD 21220.

My brother, Alfred T. Martin Jr., was made aware that a five foot variance would be necessary on June 15, 1989. Baltimore County scheduled the variance hearing for July 19, 1989. At that hearing he was told that a variance would be necessary. He received a letter from Baltimore County dated July 21, 1989 stating that it would take approximately 60 days to obtain approval. As of this date August 16, 1989 the County has not posted any signs on the above property, and it is my understanding that they must be posted for a minimum of 30 days.

At this point I would like to give you some background information as to why I am requesting an early approval of this variance. My brother who is the owner of the property holds three separate deeds to three adjoining lots. The lot in the center has his house on it and he wants to build a house for my parents on lot # 169. My brother was unaware that there has been a change of 55 ft. variance instead of 50 ft. To my brother's knowledge the only notice that the county provided was an announcement printed in the Jeffersonian paper. Apparently he missed the notification.

His reasons for building the house for our parents is as follows. Our parents are both in their late sixties and under doctors care. The house that we bought for them in Baltimore City is a two story row home. My father has had numerous operations on both of his legs and has problems going up and down the steps. Also both have heart trouble and may need medical attention at any time. This is the main reason for building them a house next to my brother since their doctors are located in that area and my sister-in-law would be available in case they need help.

Because we did not know about the variance the house that my parents are presently living in has been sold and they must move out on Mon. August 21, 1989. My parents are up in age

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and have a hard time understanding that it is going to take a long time because of the variance to start the house. They must move in with my brother and sister-in-law which makes them feel as if they are losing their independence, not to mention the trauma resulting from the fact that they must put all of their furniture and belongings in storage.

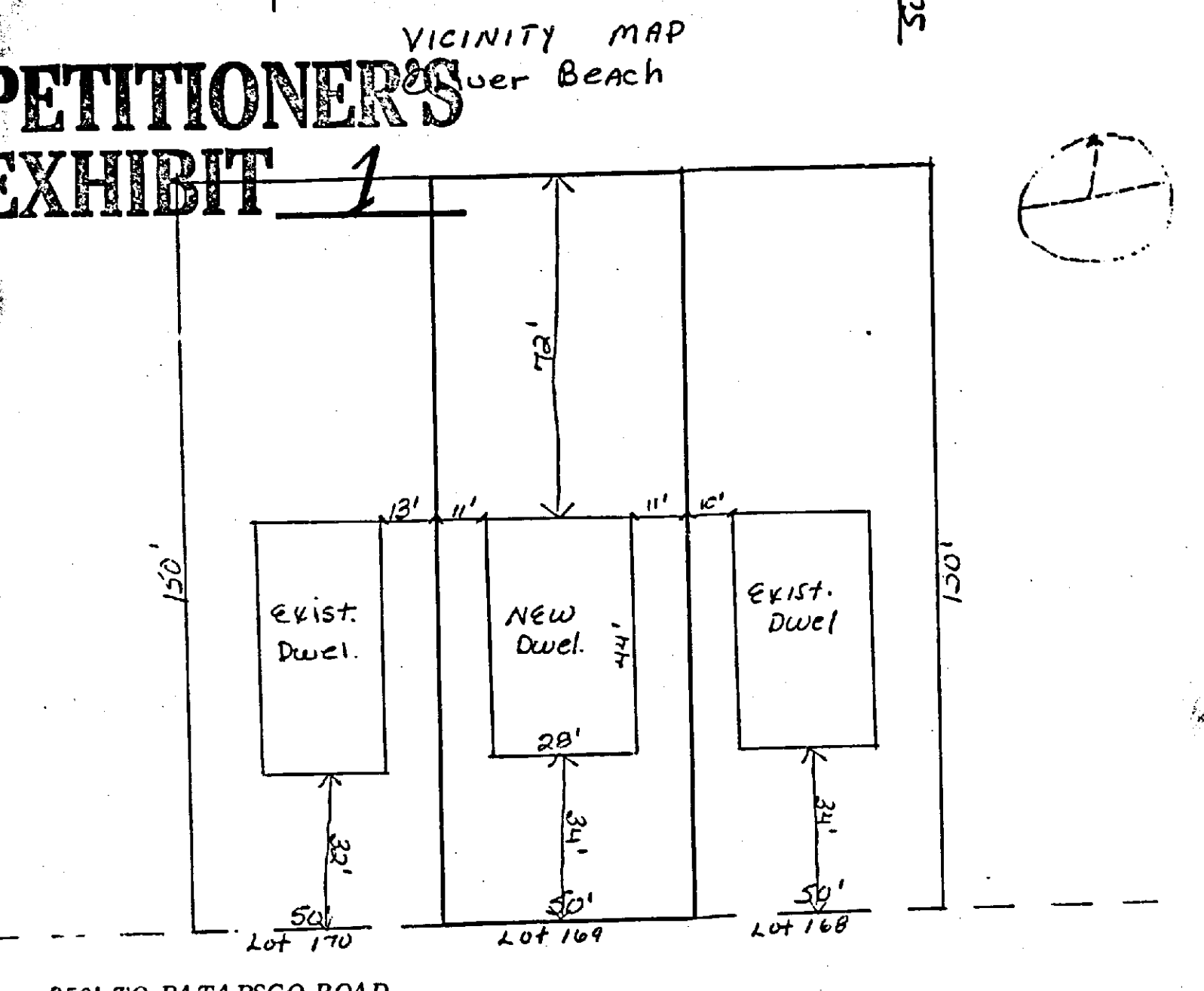
Please consider moving this approval along as quickly as possible. Our only intention is to add as many years of life to our parents as possible.

Thank you for your courtesy and consideration.

Sincerely yours,

Irene A. Hansen
Mrs. Irene A. Hansen

PETITIONER'S EXHIBIT 1



250' TO PATAPSCO ROAD
Gunpowder Rd.
Lot Size 50' x 150'
7,500 Sq. Ft.
Plat for Zoning Variance
Owners Alfred T. & Marjorie R. Martins, Jr.
District 15 Zoned D.R. 5.5
Lot # 169 Book C W B JR. No. 12 Folio 56
Existing Utilities in Gunpowder Rd.
SCALE: 1" = 30'

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: September 14, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 25
Martins Property
Chesapeake Bay Critical Area Findings

RECEIVED
OCT 18 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 7330 Gunpowder Road. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME: Mr. and Mrs. Alfred T. Martin Jr.

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

PLANT ASSOCIATION: UPLAND MOIST

NAME: RELATIVE ABUNDANCE

VEGETATIVE STRATA - SHRUBS AND SMALL TREES

NAME	RELATIVE ABUNDANCE
<i>Asimina triloba</i>	(Paw Paw) Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Abundant
<i>Amelanchier laevis</i>	(Serviceberry) Abundant
<i>Amelanchier obovalis</i>	(Obovate Serviceberry) Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush) Abundant
<i>Cornus amomum</i>	(Silky Dogwood) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq. Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Abund.-Freq.
<i>Itea virginica</i>	(Tassel-White) Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
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<i>Lindera benzoin</i>	(Common Spicebush) Frequent
<i>Lyonia lioustrina</i>	(Male-Berry) Frequent
<i>Myrica pensylvanica</i>	(Bayberry) Abundant
<i>Prunus serotina</i>	(Black Cherry) Local
<i>Prunus virginiana</i>	(Choke Cherry) Infrequent
<i>Rhododendron nudiflorum</i>	(Pinxter Flower)

-8-

Memo to Mr. J. Robert Haines
September 14, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Finding: This property is located approximately 600 feet from the tidal waters of the Gunpowder River. Therefore, the proposed development will not disturb the 100 foot buffer.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (COMAR 14.15.02.04 C.(7)).

Finding: The proposed house does not exceed 15% of the lot. However, no additional impervious surfaces will be permitted and a driveway is required it must be designed with porous gravel so that the sum of impervious surfaces shall not exceed 15% of the lot.

4. Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

(1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.

(2) Forest or developed woodland cleared in LDAs shall be replaced in LDAs, R.C. 20, or R.C. 50 Zones. Forest or developed woodland removed in the R.C. 20 or R.C. 50 Zones shall be replaced only in R.C. 20 or R.C. 50 Zones.

Memo to Mr. J. Robert Haines
September 14, 1989
Page 3

(3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicants responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu." (Baltimore County Code, Section 22-217 (c)).

Finding: If the three trees presently on the lot are removed during construction, then they shall be replaced. In addition, the following plant materials shall be planted and maintained on the lot so that this site shall maintain a forest cover of at least 15%:

Shrub and small trees list: 3 items - ball and burlap or 2 gallon container size

Tree list: 1 items - minimum 4 foot size

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)).

Finding: Rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater.

Memo to J. Robert Haines
September 14, 1989
Page 4

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations and Findings, this project shall be approved. If there are any questions, please contact Mr. David Flowers at 887-3980.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME	RELATIVE ABUNDANCE
<u>Rhus glabra</u>	(Smooth Sumac) Freq.(Early Succession)
<u>Rhus hispidus</u>	(Swamp Dewberry) Frequent
<u>Rubus occidentalis</u>	(Wild Black Raspberry) Frequent
<u>Sambucus canadensis</u>	(Elder) Frequent
<u>Vaccinium angustifolium</u>	(Low Sweet Blueberry) Frequent
<u>Vaccinium corymbosum</u>	(Highbush Blueberry) Abundant
<u>Viburnum acerifolium</u>	(Map e-Leaved Arrowhead) Frequent
<u>Viburnum prunifolium</u>	(Black Haw) Frequent

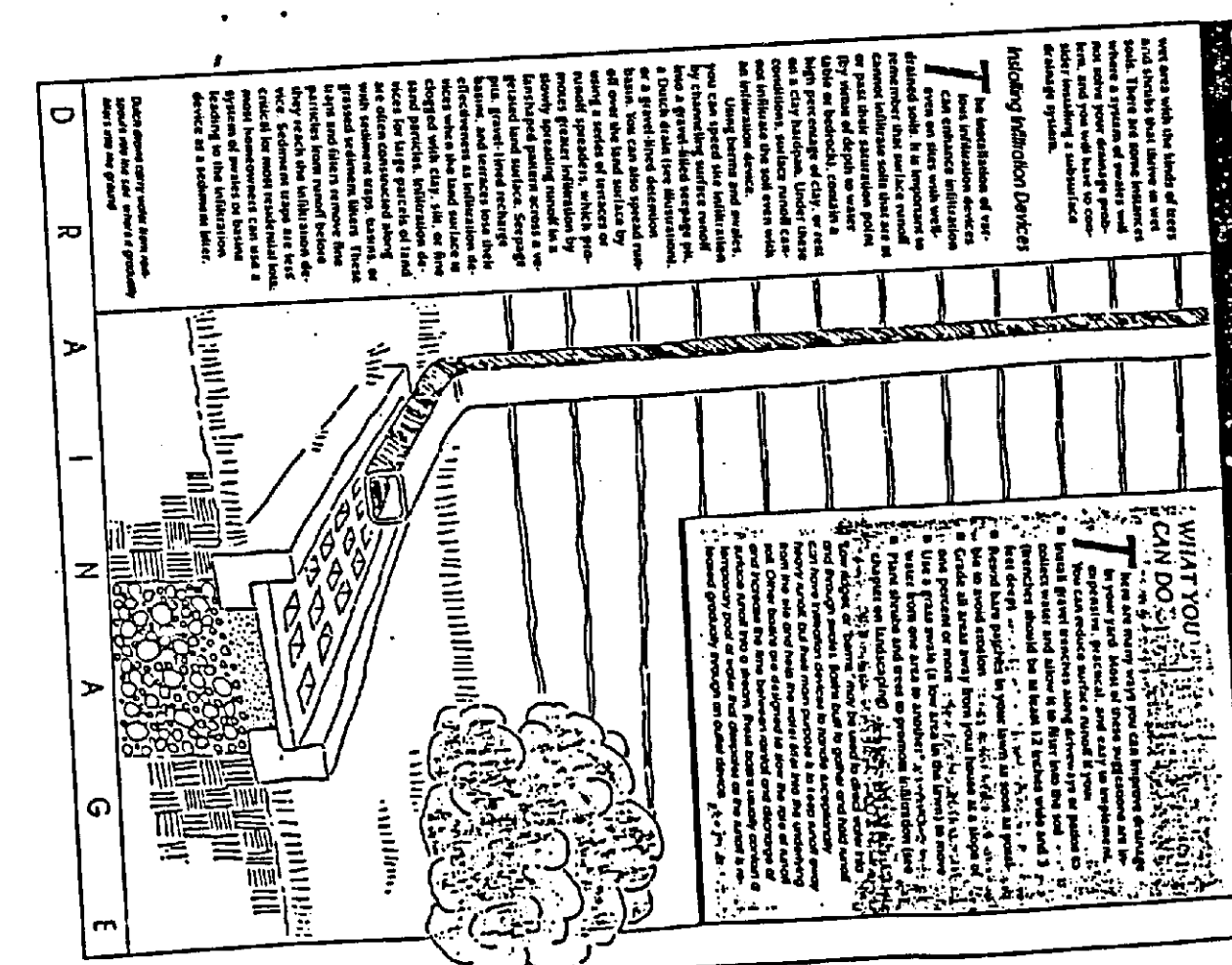
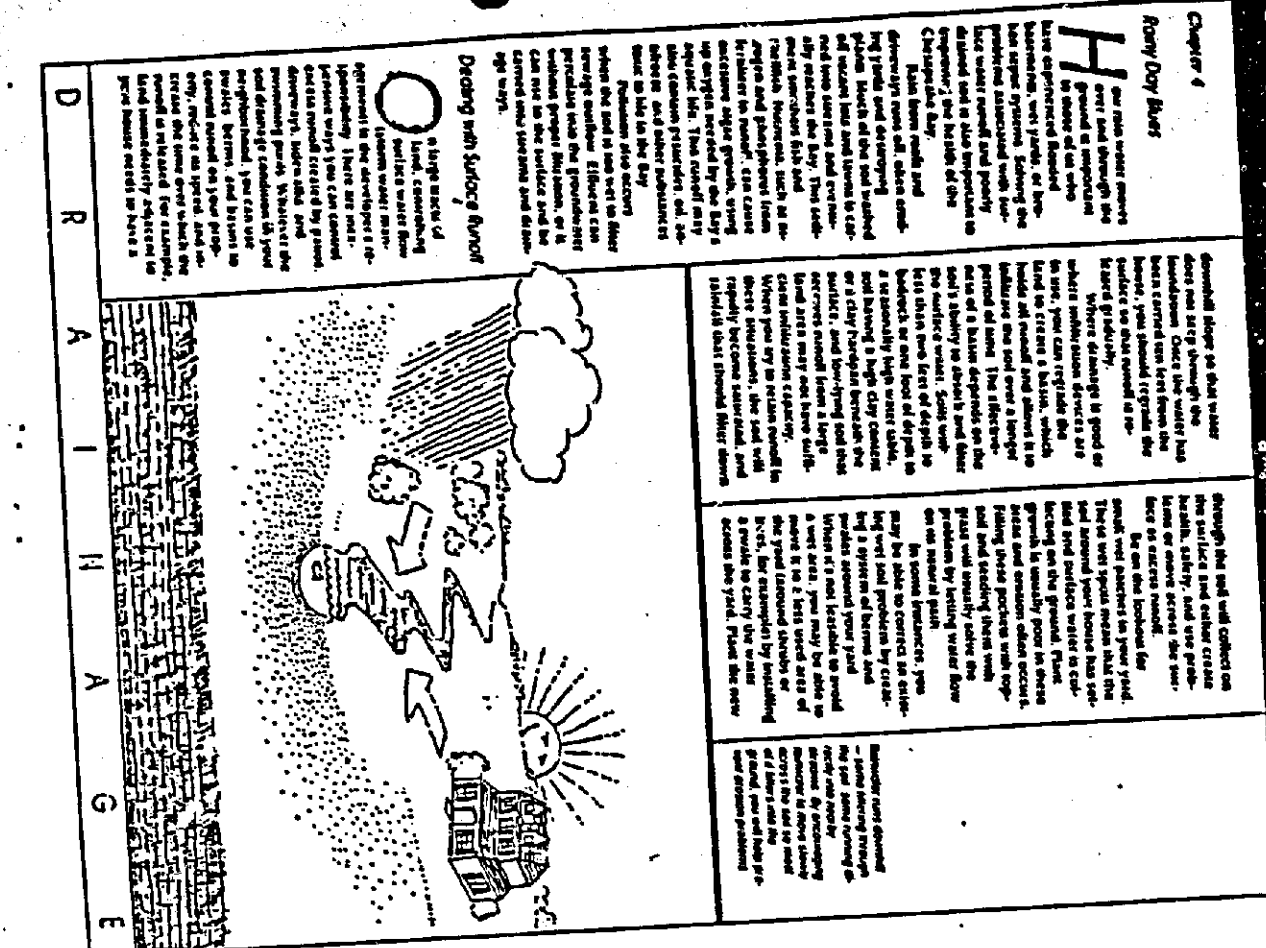
VEGETATIVE STRATA - TREES

<u>Acer rubrum</u>	(Red Maple) Abundant
<u>Betula nigra</u>	(River Birch) Local
<u>Carya glabra</u>	(Pignut Hickory) Frequent
<u>Celtis occidentalis</u>	(Hackberry) Frequent
<u>Diospyros virginiana</u>	(Common Persimmon) Local
<u>Fagus grandifolia</u>	(American Beech) Frequent
<u>Fraxinus americana</u>	(White Ash) Frequent
<u>Juglans nigra</u>	(Black Walnut) Frequent
<u>Juniperus virginiana</u>	(Red Cedar) Abund.(Early Succession)
<u>Liquidambar styraciflua</u>	(Sweet Gum) Abundant
<u>Liriodendron tulipifera</u>	(Yellow Poplar) Abundant

PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME	RELATIVE ABUNDANCE
<u>Magnolia virginiana</u>	(Sweet Bay Magnolia) Frequent
<u>Nyssa sylvatica</u>	(Black Gum) Abundant
<u>Populus grandidentata</u>	(Swamp Poplar) Infrequent
<u>Populus deltoides</u>	(Cottonwood) Infrequent
<u>Quercus alba</u>	(White Oak) Abundant
<u>Quercus phellos</u>	(Willow Oak) Frequent
<u>Quercus prinus</u>	(Chestnut Oak) Abundant
<u>Quercus rubra</u>	(Red Oak) Abundant
<u>Sassafras albidum</u>	(Sassafras) Abundant

Source: Baltimore County Office of Planning and Zoning, May 1987



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Alfred Martins, Jr.
7330 Gunpowder Road
Baltimore, MD 21220

RE: Item No. 25, Case No. 90-162-A
Petitioner: Alfred T. Martins, et ux
Petition for Zoning Variance

DUE: Mr. & Mrs. Martins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing enclosed filing certificate and a hearing scheduled accordingly.

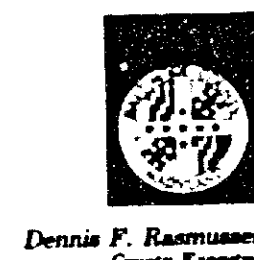
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 9th day of September, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alfred T. Martins, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 1, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-162
Alfred T. Martins, Jr., Item 25

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 feet required. Staff has the following comments on the above request:

In instances such as these, Staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, Staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:gg1
ZP90/162

11/1/89 Post review in mail jw

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989
ZONING OFFICE

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

AUGUST 11, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALFRED T. MARTINS, JR.
Location: LOT NO. 169, BETWEEN NOS. 7326 AND 7330
Item No.: 25 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1998 edition prior to occupancy.

REVIEWER: Capt. J. H. Kelly, S. H. H. Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK